

4-25-2014
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STATE OF INDIANA)
) SS.
COUNTY OF LAKE)

IN THE LAKE CLERK OF COURT
SITTING AT INDIANA

WILLIAM R. DENDER and JULIA D.)
DENDER, Individually and as Husband)
and Wife.)

Plaintiffs)

v.)

DIMITRE KATCHOULEV and)
KATCHOULEV CORP. d/b/a)
BULTRANS EXPRESS)

Defendants.)

CAUSE NO. 5091780 & 0057

COMPLAINT

Come now plaintiffs, William R. Dender and Julia D. Dender, individually and as husband and wife, by counsel, Schafer and Schafer, Attorneys at Law, and complaining of the defendants, Dimitre Katchoulev and Katchoulev Corp. d/b/a Bultrans Express, and each of them, alleges and states:

1. That plaintiffs, William R. Dender and Julia D. Dender at all times relevant herein were residents of the City of Valparaiso, County of Porter, State of Indiana.
2. That defendant, Dimitre Katchoulev, at all times relevant herein was a resident of the Village of Deerfield, County of Lake, State of Illinois.
3. That Defendant, Katchoulev Corp. d/b/a Bultrans Express, is a domestic corporation incorporated in the State of Illinois which does business in Indiana.
4. That at all times relevant herein, defendant, Dimitre Katchoulev, was the

agent, servant and/or employee of defendant, Katchoulev Corp. d/b/a Bultrans Express, and further that at all times relevant herein said Dimitre Katchoulev was acting within the course of his agency and the scope of his employment in operating a certain semi-tractor/trailer of which said defendant, Katchoulev Corp. d/b/a Bultrans Express, was the owner of the tractor and trailer and listed as the registered owner on the police report.

5. That on and prior to April 30, 2012, I-80 was a public way running in a generally east and west direction in the City of Hobart, County of Lake, State of Indiana.

7. That on the 30th day of April, 2012, defendant, Dimitre Katchoulev, was operating a certain 2006 Volvo tractor and a semi-trailer on said I-80 in an easterly direction within the course and scope of his employment as aforesaid.

8. That while operating his tractor-trailer on I-80 in Hobart, Indiana Dimitre Katchoulev attempted to move his truck to the right lane where William R. Dender was lawfully driving his vehicle which caused his truck to collide with William R. Dender's vehicle.

9. That at the time and place aforesaid, the defendant, Dimitre Katchoulev, was guilty of one or more of the following wrongful acts or omissions:

- a. Carelessly and negligently drove said semi-tractor/trailer causing it to collide with plaintiff's vehicle and was inattentive.
- b. Carelessly and negligently failed to yield the right of way and drove into plaintiff's lane of travel.
- c. Carelessly and negligently failed to maintain proper and safe control of said semi-tractor.
- d. Carelessly and negligently failed to maintain a proper and safe lookout on the roadway.

- e. Carelessly and negligently failed to slow, stop or take any other evasive action with his vehicle before the plaintiff's vehicle struck the defendant's semi-tractor/trailer.
- f. Carelessly and negligently operated said semi-tractor/trailer so that plaintiff, William R. Dender, was injured.
- g. Carelessly and negligently changed lanes.

10. At the time of the incident, defendant Katchoulev Corp. d/b/a Bultrans Express, negligently entrusted its vehicle to defendant, Dimitre Katchoulev, when it knew or should have known that the defendant, Dimitre Katchoulev, was incapable of properly undertaking or completing the task of safely operating said vehicle, and such conduct was reasonably foreseeable to cause injury and/or negligently hired and/or retained the defendant, Dimitre Katchoulev, and/or are contractually and legally liable for his actions, all of which resulted in this accident.

11. That as a direct and proximate result of one or more of the aforesaid wrongful acts or omissions of the defendants, and each of them, said semi-tractor collided with plaintiff's vehicle, a 2007 Chevrolet Cobalt, which destroyed the same and plaintiff lost the use of said vehicle.

12. That as a further direct and proximate result of one or more of the aforesaid wrongful acts or omissions of defendants, plaintiff, William R. Dender, sustained severe injuries external and internal, and suffered shock to his nervous system, and bruises and contusions, and became and was sick and disabled and suffered great pain and discomfort and was kept from attending to his ordinary affairs and duties, and has lost great gains which he otherwise would have made and acquired and has incurred medical expenses and other out-of-pocket expenses.

13. That as a further direct and proximate result of one or more of the wrongful acts or omissions of the defendants, plaintiff, William R. Dender, suffered severe pain and injury to multiple areas of his body, and in particular suffered a mild traumatic brain injury. William R. Dender has suffered great pain and discomfort, and has incurred medical bills and expenses and will incur medical bills in the future. Plaintiff has also sustained permanent impairment, lost wages and other out-of-pocket expenses, all of which will generally diminish the quality of his life.

WHEREFORE, plaintiffs, William R. Dender and Julia D. Dender, individually and as husband and wife, demand judgment against the defendants, Dimitre Katchoulev and Katchoulev Corp. d/b/a Bultrans Express, and each of them, for such sums as are reasonable in the premises, for costs of this action and for all other just and proper relief in the premises.

COUNT II

Come now the plaintiffs, William R. Dender and Julia D. Dender, individually and as husband and wife, by counsel, Schafer and Schafer, Attorneys at Law, and for Count II of their Complaint against the defendants, Dimitre Katchoulev and Katchoulev Corp. d/b/a Bultrans Express, and each of them, alleges and states:

1.-13. The plaintiffs re-allege and incorporate each and every allegation contained in Rhetorical Paragraph One (1) through and including Rhetorical Paragraph Thirteen (13) of Count I as Rhetorical Paragraph One (1) through and including Rhetorical Paragraph Thirteen (13) of Count II as though the same were fully and completely set forth herein.

14. That on and prior to April 30, 2012, the plaintiffs were the lawfully wedded

spouses of each other and were living together as husband and wife, and by virtue of that marriage, plaintiffs became and were entitled to the companionship, society, services, affection and consortium of each other.

15. That as a direct and proximate result of the injuries sustained by the plaintiffs, each plaintiff has been deprived of the companionship, society, services, affection, consortium of the other and further, have been obligated to incur indebtedness for medical expenses incurred on their behalf which were necessitated by the defendant's negligent acts and omissions; and further, will continue to incur indebtedness for future medical care and treatment and loss of their spouse's services in attempting to alleviate or remedy their condition.

WHEREFORE, plaintiffs, William R. Dender and Julia D. Dender, individually and as husband and wife, demand judgment against the defendants, Dimitre Katchoulev and Katchoulev Corp. d/b/a Bultrans Express, and each of them, for such sums as are reasonable in the premises, for costs of this action and for all other just and proper relief in the premises.

Respectfully submitted,

SCHAFER AND SCHAFER
ATTORNEYS AT LAW

BY: 

TODD S. SCHAFER
Atty No. 29474-64
3820 E. U.S. 30
Merrillville, IN 46410
(219) 947-1911 Fax: 947-1701
Atty for Plaintiffs

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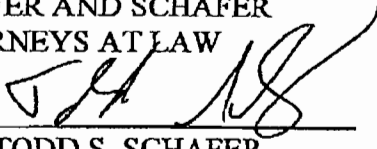
15. That as a direct and proximate result of the injuries sustained by the plaintiffs, each plaintiff has been deprived of the companionship, society, services, affection, consortium of the other and further, have been obligated to incur indebtedness for medical expenses incurred on their behalf which were necessitated by the defendant's negligent acts and omissions; and further, will continue to incur indebtedness for future medical care and treatment and loss of their spouse's services in attempting to alleviate or remedy their condition.

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TODD S. SCHAFFER
Atty No. 29474-64
3820 E. U.S. 30
Merrillville, IN 46410
(219) 947-1911 Fax: 947-1701
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SCHAFFER
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3820 E. U.S. 30
MERRILLVILLE
INDIANA 46410
(219) 947-1911
FAX (219) 947-1701

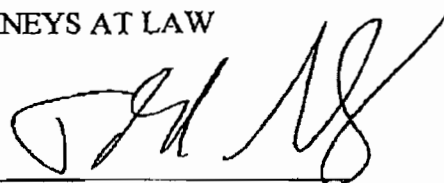
JURY DEMAND

Comes now the plaintiff, by counsel, and hereby demands a trial by jury.

Respectfully submitted,

SCHAFFER AND SCHAFFER
ATTORNEYS AT LAW

BY:



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Atty No. 29474-64
3820 E. U.S. 30
Merrillville, IN 46410
(219) 947-1911 Fax: 947-1701
Atty for Plaintiffs